# STATE OF ILLINOIS HUMAN RIGHTS COMMISSION

IN THE MATTER OF:				
PAMELA A. GONDOS,				
Complainant, ) and ) AMERICAN NATIONAL SKYLINE INC., )		CHARGE NO(S): EEOC NO(S): ALS NO(S):	2009CF0451 N/A 09-0632	
Respondent.				
<u>NOTICE</u>				
You are hereby notified that the Illinois Human Rights Commission has not received timely exceptions to the Recommended Order and Decision in the above named case. Accordingly, pursuant to Section 8A-103(A) and/or 8B-103(A) of the Illinois Human Rights Act and Section 5300.910 of the Commission's Procedural Rules, that Recommended Order and Decision has now become the Order and Decision of the Commission.				
STATE OF ILLINOIS HUMAN RIGHTS COMMISSION	)	Entered this 1 <sup>st</sup>	<sup>t</sup> day of April 2011	
		ITH CHAMBERS		

# STATE OF ILLINOIS HUMAN RIGHTS COMMISSION

IN THE MATTER OF:	)		
PAMELA A. GONDOS,	)		
Complainant,	)		
and AMERICAN NATIONAL SKYLINE INC.,	) Charge ) EEOC N ) ALS No.		
Repondent.	) ) Judge V )	Judge William J. Borah	
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### RECOMMENDED ORDER AND DECISION

This matter comes to be heard on Respondent's Motion to Dismiss Complaint for Want of Prosecution filed on April 2, 2010. On May 5, 2010, an order was entered setting a briefing schedule for Respondent's motion. Complainant had until May 28, 2010, to file her response. Although Complainant failed to appear at the May 5, 2010, status hearing, a copy of the order was mailed to her on May 6, 2010. An affidavit of service was filed with the Commission on the same date. Complainant failed to file a response.

#### FINDINGS OF FACT

The following facts were derived from the record filed in the matter.

- The Complaint in this matter was served on Complainant by certified mail. Complainant signed it upon her own behalf on November 12, 2009.
- 2. The initial status date in this matter was February 3, 2010. Both the Complainant and Respondent failed to appear.
- 3. On February 5, 2010, an order was entered setting March 17, 2010, as a status hearing. On March 17, 2010, Respondent appeared through its attorney. Complainant failed to appear. An order was entered setting May 5, 2010, as a status date. Respondent mailed a

copy of the order to Complainant on March 19, 2010, and filed an affidavit of service with the Commission on March 19, 2010.

- 4. On May 5, 2010, a status hearing was set in this case. Respondent appeared, but Complainant was absent. Respondent mailed a copy of the May 5, 2010, order on May 6, 2010, and filed an affidavit of service on the same date. As part of the order, a briefing schedule was set. Complainant had until May 28, 2010, to respond to Respondent's motion to dismiss her complaint for want of prosecution.
  - 5. Complainant failed to respond to Respondent's motion to dismiss.

#### CONCLUSIONS OF LAW

- 1. Complainant's failure to participate in three scheduled status hearings and her failure to respond to Respondent's motion to dismiss have unreasonably delayed the proceedings in this matter.
- 2. In light of Complainant's apparent abandonment of her claim, the complaint in this matter should be dismissed with prejudice.

#### **DISCUSSION**

Complainant failed to appear at three ordered status hearing dates, February 3, 2010, March 17, 2010 and May 5, 2010. Complainant also failed to respond to Respondent's motion to dismiss as ordered on May 5, 2010. Proper service was given upon Complainant.

The Commission routinely dismisses abandoned cases. In <u>Leonard and Solid Matter</u>, <u>Inc.</u>, IHRC, ALS No. 4942, August 25, 1992, Complainant was absent for three consecutive hearings.

Complainant has failed to comply with every order. Complainant's inaction has unreasonably delayed the proceedings in this matter.

For reasons unknown, it appears that Complainant has simply abandoned her claim. As a result, it is appropriate to dismiss her claim with prejudice.

## **RECOMMENDATION**

Based upon the foregoing, it is recommended that an order be entered with the following provisions:

- 1. The Respondent's motion to dismiss complaint be granted;
- 2. The Complaint before the Commission and the underlying charge of discrimination be dismissed with prejudice.

**HUMAN RIGHTS COMMISSION** 

BY:\_\_\_\_\_ WILLIAM J. BORAH

ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: May 28, 2010